

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TANIA PICHARDO, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

ONLY WHAT YOU NEED, INC,

Defendant.

Case No: 1:20-cv-00493-VEC

**DEFENDANT ONLY WHAT YOU NEED, INC'S NOTICE OF MOTION AND  
MOTION TO DISMISS COMPLAINT**

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*Attorney for Defendant Only What You Need,  
Inc.*

**NOTICE OF MOTION AND MOTION**

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Defendant Only What You Need, Inc., will, and hereby does move to dismiss the Complaint of Plaintiff Tania Pichardo, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the grounds that the Complaint fails to state a claim upon which relief can be granted and that Plaintiff lacks standing to seek injunctive relief.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Law, Request for Judicial Notice, Declaration of David Kwasniewski, and on such other written and oral argument as may be presented to the Court.

Pursuant to this Court's Individual Practice A.1.b.i, the Defendant used its best efforts to resolve informally the matters raised in this submission, including by sending a letter to Plaintiff and by meeting and conferring by telephone. Plaintiff has stated that he does not intend to amend his pleading.

Dated: June 22, 2020

Respectfully Submitted,

BRAUNHAGEY & BORDEN LLP

By: /s/ Jonathan G. Kortmansky  
Jonathan G. Kortmansky

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